IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17701 of 2004

Between:

1 N. Rama Krishna S/o. N.V. Pathy
2 J. Usha D/o. J. Murali Krishna
3 G. Sridevi D/o. Koteswararao
4 D.S.V. Prasad S/o. Sivalingaiah
5 J. Bapineedu Prasad S/o. Venkaiah
6 J. Narasimha Rao S/o. Peddappaiah,
7 Ch. Punnamma W/o. Venugopala Rao
8 J. Koteswara Rao S/o. Sarangapani
9 J. Vasundhara Devi W/o. J.C. Nageswararao,
10 J. Satyanarayana S/o. J. Nageswararao,
11 T. Jhansi Lakshmi W/o. T. Murali Krishna,
12 J. Anji Babu S/o. J. Koteswararao
13 K. Sriharsha D/o. K.S. Chandran,
14 M. Sri Lakshmi W/o. M.L. Narasimham
15 P. Srilatha W/o. P. Venkata Ramaiah
16 K. Sri Bhavani W/o. Venkateswararao .... PETITIONERS

AND

1 The District Collector, R.R.District at Hyderabad.
2 The District Registrar, R.R.District, Moosapet, Hyderabad.
3 The Sub Registrar, Medchal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the first respondent in issuing Circular Instructions in Proc. Rc.No.E2/406/2001 Dt. 6.2.2001 restraining the registration of petitioners respective lands in Bahadurpally village of Qutubullapur Mandal as arbitrary and illegal and consequently direct the respondents to entertain and register the sale Deeds relating to the petitioners respective lands in Bahadurpally

village, Qutubullapur Mandal, R.R.District in accordance with law and without reference to the said proc. of the 1st respondent dt. 6.2.2001.

Counsel for the Petitioners : Mr.CH.JAGANNADHA RAO

Counsel for Respondents : G.P. FOR REVENUE

The Court at the admission stage, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents and both of them agreed for disposal of the writ petition at the admission stage.

The petitioners who claims to be owners of respective extents of lands situated in Survey Nos.227/1 and 228 of Bahadurpally village, Qutubullapur mandal, R.R district purchased under different sale deeds in 1982 and since then they have been in possession and enjoyment of the same. It is stated that when they approached third respondent's office for execution of sale deeds in respect of the above property, third respondent informed them that the first respondent issued proceedings dated 6.2.2001 to all the Sub-Registrars in Ranga Reddy district not to entertain any documents for registration of either agricultural or non-agricultural till he issues no objection certificates. Being aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioners submits that the petitioners have purchased the said properties from their vendors for valuable consideration under different sale deeds in 1982 and since then they have been in possession and enjoyment of the property. He also submits that the Sub-Registrar cannot refuse to register the sale deeds unless a notification to that effect is issued in the light of the orders of this Court in W.A.No.1390 of 2001 dated 10.9.2001.

Per contra, the learned Government Pleader submits that nowhere it is stated that the petitioners entered into agreement with any third parties and when they presented the documents for registration, the third respondent refused the same and unless such documents are submitted for registration, petitioners cannot complain

that the third respondent is refusing to register the sale deeds.

It is needless to observe that as and when the documents are presented for registration, the third respondent has to see whether any notification under section 22A of the Stamps and Registration Act has been issued or not and in the absence of any such notification, the instructions issued by the first respondent directing not to register the documents, prima facie cannot be taken into consideration as the same is without jurisdiction.

In the circumstances, the writ petition is disposed of directing the respondents to consider the documents presented by the petitioners for registration, if otherwise in order, in accordance with law. No costs.

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A.GOPAL REDDY, J

Date: 10.11.2004

DA

To

1 The District Collector, R.R.District at Hyderabad.
2 The District Registrar, R.R.District, Moosapet, Hyderabad.
3 The Sub Registrar, Medchal, R.R.District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two spare copies.